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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Hayden A. Beaulieu,

10 Petitioner,

11 v.

12 Mark Dannels, et al.,

13 Respondents.
14

No. CV-18-00332-TUC-RCC

ORDER

15 On March 18, 2019, Magistrate Judge Leslie A. Bowman issued a Report and
16 Recommendation (“R&R”) in which she recommended the Court dismiss Petitioner
17 Hayden A. Beaulieu’s Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus. (Doc.
18 13.) The R&R notified the parties they had fourteen (14) days from the date of the R&R to
19 file any objections. No objections have been filed.

20 It appears from the record that prior to the R&R, on January 2, 2019, Petitioner’s
21 mail was returned as undeliverable. (Doc. 7.) Respondents informed the Court of a possible
22 new address. (Doc. 8.) The R&R was not mailed to Respondents’ suggested address;
23 however, Petitioner was initially warned by the Court that it was Petitioner’s responsibility
24 to keep his address current, and that failure to do so may result in dismissal. (Doc. 5 at 2.)
25 The Court does not have an affirmative obligation to locate Plaintiff. *See Carey v. King*,
26 856 F.2d 1439, 1441 (9th Cir. 1988) (“A party, not the district court, bears the burden of
27 keeping the court apprised of any changes to his mailing address.”); *see also* LRCiv 83.3
28 (plaintiff who is incarcerated must serve notice of change of address within seven days of

1 the date of the change). The Court, therefore, considers this matter despite the
2 undeliverable mail.

3 If neither party objects to a magistrate judge's report and recommendation, the
4 District Court is not required to review the magistrate judge's decision under any specified
5 standard of review. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). However, the statute for
6 review of a magistrate judge's recommendation "does not preclude further review by the
7 district judge, *sua sponte* or at the request of a party, under a *de novo* or any other standard."
8 *Thomas*, 474 U.S. at 154.

9 The Court has reviewed and considered the Petition (Doc. 1), Respondents' Limited
10 Answer (Doc. 9) and exhibits (Docs. 10-12), and the Magistrate's R&R (Doc. 18)–
11 Petitioner did not file a reply. The Court finds the R&R well-reasoned and agrees with
12 Magistrate Judge Bowman's conclusions.

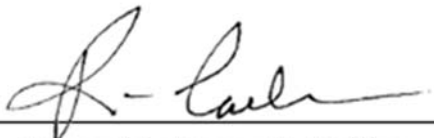
13 The Court declines to issue a certificate of appealability because it does not find that
14 jurists of reason would find the determination debatable. *Slack v. McDaniel*, 529 U.S. 473,
15 484 (2000).

16 Accordingly, IT IS ORDERED:

- 17 1. The R&R is ADOPTED. (Doc. 13.)
- 18 2. Plaintiff's Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus is
19 DISMISSED. The Clerk of Court shall docket accordingly and close the case file
20 in this matter.
- 21 3. The Clerk of Court shall mail a copy of the R&R and this Order to the address noted
22 in Respondents Notice of Possible New Address:

23 Hayden A. Beaulieu
24 1850 East Wilcox Drive, Room 210
Sierra Vista, Arizona 85635

25 Dated this 4th day of April, 2019.

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Honorable Raner C. Collins
Senior United States District Judge